

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2075(1)

In the Matter of

SALMON VALLEY WATER COMPANY,

Application to Defer Costs Associated with the  
COVID-19 Public Health Emergency.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on June 1, 2021, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



A handwritten signature in blue ink, appearing to read "Nolan Moser".

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**Nolan Moser**  
Chief Administrative Law Judge

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: June 1, 2021**

REGULAR  CONSENT  EFFECTIVE DATE March 27, 2021

**DATE:** May 17, 2021

**TO:** Public Utility Commission

**FROM:** Scott Shearer

**THROUGH:** Bryan Conway, Michael Dougherty, and Bruce Hellebuyck **SIGNED**

**SUBJECT:** SALMON VALLEY WATER COMPANY:  
(Docket No. UM 2075(1))  
Requests reauthorization of deferred accounting of costs from COVID-19  
Public Health Emergency.

**STAFF RECOMMENDATION:**

Staff recommends that the Public Utility Commission of Oregon (Commission) approve Salmon Valley Water Company (Salmon Valley or Company) request for reauthorization of deferred accounting of COVID-19 related costs for the 12-month period beginning March 27, 2021, and direct Salmon Valley to file a report on utility costs resulting from COVID-19 for the period January 1, 2022 to March 26, 2022, as further specified herein.

**DISCUSSION:**

Issue

Whether the Commission should approve Salmon Valley's request for reauthorization of deferred accounting of costs from the COVID-19 Public Health Emergency for the 12-month period beginning March 27, 2021.

Whether the Commission should direct Salmon Valley to report to the Commission on COVID-19-related costs for the first quarter of 2022.

Applicable Law

ORS 757.259 allows the Commission to authorize deferred accounting for later incorporation into rates. Specific amounts eligible for deferred accounting treatment with

Docket No. UM 2075  
May 17, 2021  
Page 2

interest authorized by the Commission include “[i]dentifiable utility expenses or revenues, the recovery or refund of which the Commission finds should be deferred in order to minimize the frequency of rate changes or the fluctuations of rate levels or to match appropriately the costs borne by and benefits received by ratepayers.” ORS 757.259(2)(e).

In OAR 860-036-2170, the Commission directs water utilities to comply with the deferred account rule for energy and telecommunications utilities in OAR 860-027-0300. Under OAR 860-027-0300(4), the Commission sets the requirements for the contents of applications to reauthorize the use of deferred accounting. Notice of the application must be provided pursuant to OAR 860-027-0300(6).

Unless subject to an automatic adjustment clause under ORS 757.210(1), amounts deferred under ORS 757.259(5) and OAR 860-027-0300 are allowed in rates only to the extent authorized by the Commission in a proceeding under ORS 757.210 to change rates and upon a prudence review and review of the utility’s earnings. With some exceptions, a company’s amortization of amounts deferred under ORS 757.295(5) cannot exceed an amount equal to three percent of the company’s gross revenues from the preceding year. ORS 757.295(6).

Under ORS 756.090, a utility must keep and maintain records as required by the Commission. The Commission may require a utility to furnish information to carry into effect the provisions of ORS chapters 756, 757, 758, and 759, per ORS 756.105.

## Analysis

### *Background*

On March 8, 2020, Oregon Governor Kate Brown declared a statewide state of emergency due to the public health threat posed by the novel infectious coronavirus, COVID-19.<sup>1</sup> Several extensions of that order have been issued, and the state of emergency is currently extended to June 28, 2021.<sup>2</sup>

On March 27, 2020, Salmon Valley filed UM 2075, requesting the Commission authorize the Company to defer for later ratemaking treatment costs from the COVID-19 public health emergency.

On June 9, 2020, the Commission held a Special Public Meeting on the impacts of COVID-19. As a result of the Special Public Meeting, the Commission opened an

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<sup>1</sup> EO 20-03 (March 8, 2020).

<sup>2</sup> EO 21-10 (April 29, 2021).

Docket No. UM 2075  
May 17, 2021  
Page 3

investigation into the effects of COVID-19, which would later be docketed as UM 2114. The purpose of the investigation was to:

- a. Develop and share relevant information concerning actions taken by utilities concerning COVID-19;
- b. Ensure the PUC takes an integrated, timely approach to COVID-19 related issues, and that all relevant aspects of the challenge are considered;
- c. Ensure stakeholder engagement, input, and awareness; and
- d. Provide information that will inform other related dockets and Commission process.

Staff, five water utilities, and interested stakeholders participated in a series of workshops and meetings, leading to the creation of a Stipulated Agreement by Salmon Valley, Salmon Valley Water, Salmon Valley Water, Salmon Valley Water, Avion Water, Staff, Citizens' Utility Board (CUB), and Community Action Partnership of Oregon (CAPO). In Docket No. UM 2120, the Commission adopted the Stipulated Agreement, issuing Order No. 20-400 in November 2020.

Among the items addressed in the Stipulated Agreement, specifically paragraph 15, is the affected utilities' applications for deferred accounting related to COVID-19 costs and benefits.

*Order No. 20-400 - Deferrals*

The five water utilities filed initial applications for deferred accounting of costs and benefits resulting from the COVID-19 health epidemic. Paragraph 15 states:

- The signatory parties agree that the Utilities' applications for deferred accounting of COVID-19 related costs and benefits should be approved by the Commission, and recovery of those amounts deferred will be subject to a future Commission prudence review proceeding to assure deferrals are either directly related to this Stipulated Agreement or are related to other increased costs due to COVID-19. These COVID-19 related deferrals shall consist of the following:
  - Direct costs for reasonable measures taken by the Utility in response to the COVID-19 pandemic, including, but not limited to: incremental personal protective equipment, cleaning supplies and services, contact tracing, medical testing, financing costs to secure liquidity including carrying costs associated with TPAs, information technology updates and administration needed to enact this Stipulated Agreement, and equipment needed for remote work options. Direct costs are net of credits, payments, cost savings, or other benefits received by the Utility from shareholder

Docket No. UM 2075  
May 17, 2021  
Page 4

contributions or a federal, state, or local government that are directly related to a COVID-19 direct cost, including federal, state, or local tax credits or benefits. Due to the unprecedented nature of the COVID-19 pandemic, not all costs may be known at this time. Utilities are not limited to deferring costs that are expressly enumerated above; provided, however, that all such costs are subject to a future Commission prudence review proceeding.

- The amount of late payment fees not assessed to customers between March 1, 2020, and when the Utility resumes collection activity and disconnections. The amount of late payment fees not assessed shall be calculated assuming only one late payment fee is assessed per customer, (if such customer would have been charged a late payment fee over the March through November 2020 time period) with such late payment amount equal to the current bill and any past due amounts (up to November 30, 2020) excluding the effects of any compounding of interest charges.
- For bad debt expense, the amount that is currently being collected from customers for bad debt, as determined in its last general rate proceeding, would be the baseline. Any amount of bad debt expense incurred above this baseline in would be deferred for later recovery.
- The amount of forgone reconnection charges, field visits that do not result in disconnection, and field connection charges not assessed to customers between March 1, 2020 and December 1, 2020. These forgone reconnection charges and field connection charges shall not exceed the difference between the actual charges recorded by the utility in 2020 and the authorized annual level of reconnection charges and field connection charges authorized in the Utility's last rate case.
- The amount of forgone reconnection charges incurred through November 15, 2020, related to customers that may have been disconnected prior to the March 13, 2020, suspension of disconnects. Forgone reconnection fees shall not exceed the amount equal to one reconnection fee per customer who was reconnected to service without charge, pursuant to paragraph 9. The reconnection fee shall be calculated using the applicable reconnection fee available in the Utility's tariff for reconnection during regular working hours for the reconnected customer.

Docket No. UM 2075  
May 17, 2021  
Page 5

- The deferral balance, whether being accrued or being amortized, shall accrue the same interest rate, and equal to the blended Treasury rate plus 100 basis points. To the extent the amortization of the deferral is more than two years for a utility, the utility may request a larger basis point spread reflecting the pattern of interest rates in the then current yield curve for Treasury securities.

#### *Request for Reauthorization*

On March 25, 2021, Salmon Valley filed a request for reauthorization of this deferral, for the 12-month period beginning March 27, 2021 through March 26, 2022. Salmon Valley seeks reauthorization from the Commission to continue to defer, for future amortization, costs incurred to respond to the COVID-19 public health emergency. The company has incurred costs related to the public health emergency, including providing additional safety equipment for employees, voluntarily suspending disconnections and assessment of late payment charges (which may significantly increase bad debt expense), and implementing and supporting technology that enables employees to work from home. The company also expects to incur additional costs that cannot currently be predicted given the unprecedented nature of this public health emergency.

Based on the request for reauthorization of this deferral, Salmon Valley has complied with the reauthorization requirements of OAR 860-027-0300(4).

#### *Description of Expense*

As described above, the amount subject to deferral are the direct costs for reasonable measures taken by the utility in response to the COVID-19 pandemic, net of credits, payments, direct cost savings or other benefits received by the utility from a federal, state, or local government that are directly related to a COVID-19 direct cost, including federal state, or local tax credits or benefits.

#### *Reason for Deferral*

Salmon Valley's application notes that it requests reauthorization of this deferral in order to appropriately match the costs borne by and benefits received by customers. The Company also notes that the deferral is being sought as the associated risks of the COVID-19 public health emergency are "well outside reasonable business risk for the Company."<sup>3</sup>

#### *Proposed Accounting*

Salmon Valley is proposing to record the deferral as a regulatory asset in NARUC Account 186 (Other Miscellaneous Deferred Debits) and credit the appropriate NARUC accounts associated with the expense or waived fee.

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<sup>3</sup> UM 2071, Sunriver's Initial Application, page 2.

Docket No. UM 2075  
May 17, 2021  
Page 6

#### *Estimated Deferrals in Authorization Period*

The actual amount subject to deferral is dependent on the outcomes of the COVID-19 pandemic. As it is unknown what the full ramifications of the COVID-19 pandemic will be in Salmon Valley's service area, including the duration and scale of the impact, the Company notes that the estimated deferral balance is at this time unknown.<sup>4</sup>

#### *Information Related to Future Amortization*

- Earnings Review – Prior to amortization, an annual earnings review will be conducted pursuant to ORS 757.259(5).
- Prudence Review – Prior to amortization, a prudence review will be conducted. The prudence review will include the verification of the accounting methodology used to determine the final amortization balance, as well as a review of all costs proposed for amortization (including any offsetting cost savings). For this deferral, prudence reviews will be conducted annually.
- Interest Rate - The deferral balance, whether being accrued (pre-prudence), found to be prudent in an annual prudence review (pre-amortization), or being amortized, shall accrue the same interest rate, equal to the Blended Treasury rate plus 100 basis points.<sup>5</sup> To the extent the amortization of the deferral is more than two years for a utility, that utility may request that the Commission authorize a larger basis point spread. For regulatory and ratemaking purposes, the financing of the deferral will not be included in the capital structure of the utility.
- Sharing - This deferral is not subject to a sharing mechanism. However, as described above, Salmon Valley has agreed to accrue interest on this deferral equal to the blended treasury rate plus 100 basis points.<sup>6</sup> This is a departure from the standard established by the Commission to use the Company's authorized rate of return for deferral balances not yet reviewed for prudence.<sup>7</sup> This is a substantive interest differential and materially benefits customers by reducing the amounts recoverable by the utilities.

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<sup>4</sup> UM 2114, Order No. 20-324.

<sup>5</sup> The Modified Blended Treasury rate is updated annually by the Commission as authorized by Order Nos. 08-263, and 09-065. For 2021, the Modified Blended Treasury rate is equal to 1.24 percent.

<sup>6</sup> UM 2114, Order No. 20-324.

<sup>7</sup> Salmon Valley's was authorized a rate of return is 6.75 percent in its most recent rate case, UW 184. However, Commission Order No. 21-147 does not allow this rate of return to go into effect until July 1, 2021.

Docket No. UM 2075  
May 17, 2021  
Page 7

- Three Percent Test (ORS 757.259(6)) – The three percent test measures the annual overall average effect on customer rates resulting from deferral amortizations. The three percent test limits (with exceptions) the aggregated deferral amortizations during a 12-month period to no more than three percent of the utility's gross revenues for the preceding year.

### *Reporting*

Paragraph 16 of the Stipulated Agreement provides:

- Each Utility that has requested regulatory assets for costs associated with COVID-19 shall provide the Commission with the following reports that itemize the utility costs resulting from COVID-19 described in the previous paragraphs. The first report will be for the period between March 1, 2020 and September 30, 2020 and shall be filed by December 1, 2020. The second report will be for the period between October 1, 2020 and December 31, 2021 and shall be filed by February 26, 2022.

Approval of Salmon Valley's request for reauthorization will extend the deferral period past the last date for reporting required under the Stipulated Agreement (December 31, 2021). The information required in those prior reports will remain important throughout the deferral period to assess the full impact of the COVID-19 pandemic in Salmon Valley's service area. Therefore, Staff recommends the Commission direct the Company to report similar information as required under paragraph 16 of Order No. 20-400, Appendix A for the period between January 1, 2022 and March 26, 2022, to be filed with the Commission by May 26, 2022.

### Conclusion

Based on Staff's review of Salmon Valley's request for reauthorization, Staff concludes that the proposal represents an appropriate use of deferred accounting under ORS 757.259. Further, Staff believes that the Company's request for reauthorization, in light of the provisions the stipulation executed by the Parties, supports Staff's goals of ensuring that both customers and the Company are sufficiently protected from the impacts of the COVID-19 pandemic.

### **PROPOSED COMMISSION MOTION:**

Approve Salmon Valley's request for reauthorization of deferred accounting of COVID-19 related costs for the 12-month period beginning March 27, 2021, and direct Salmon Valley to file a report on utility costs resulting from COVID-19 for the period January 1, 2022 to March 26, 2022, as specified in the Staff report.